Scott. II—48—21,640-19-1-17.

Public Works (1918) Department.

Irri SERIES.

G.O. No. 1583

DATED 8. 5. 18.

Tanks
Bunds

Indexed.

[Despatch Abstract.]

Suit Sanctioning the payment of a fee of Rs 75 to the Govt Pleader who conducted the — (OS No 94 of 1915 on the file of Addl Dt Munsiff Madura) re Tenkasi Tank bund

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
40	1948	Ins	4-6-18				

C.F.—1a.

CURRENT FILE.

PUBLIC WORKS (Irrigation) **DEPARTMENT.** O.F.—80.

P.W. DEPT., IRRIGATION, Madras 9 - OCT 1916 No. 7852/16-A Received GOVERNMENT OF MADRAS

CURRENT No.

191 . *Registered* 191 .

Subject.

Suit.

Submitting letter to Government from the Collector of Madura reporting that O.S. 94 of 1915 on the file of the Additional District Munsif's Court, Madura, has been restored to file and posted to 23rd November 1916 for trial.

ENCLOSURES.
No.
Spare copies

Reference - No. 4326-16-1

Station Madras ; *Dated the* 6th October 1916

From

H. R. Pate Esquire, I.C.S., Secretary.

Land Revenue.

~~The~~ Board of Revenue, ~~Revenue Settlement~~, ~~Separate Revenue~~.

M.E. Couchman Esq., I.C.S., Commissioner of Land Revenue, and Forests.

~~Resolution~~ -------

~~Reference~~

Read the following letter from G.F.Paddison Esquire, M.A., I.C.S., Collector of Madura, R.O.C. No. 2992 Gl. of 1916, dated 26th September 1916:-

----

Adverting to Board's Proceedings No. 1582 Mis., dated the 2nd September 1916, I have the honour to state that the plaintiff in O.S. No. 94 of 1915, relating to the Temkarai Tank on the file of the Additional District Munsif's Court, Madura, since applied to the Court for restoration of the

case

case to the file. The Government Pleader opposed the application. But the Court ordered that in case the plaintiff paid into court the costs of the suit within a week, the suit would be restored. The plaintiff complied with the above order and the suit was restored to file and is posted to 23rd November 1916 for trial.

REFERENCE:-

Submitted to Government with reference to Government Order Mis. No. 355-I, dated 17th August 1916.

[signature]

SECRETARY.

7x16

To

The Secretary to Government, Public Works Department.
(Irrigation)

M.S. 7/10.

Ms 7/10 7.10.16

7852/16 PUBLIC WORKS **DEPARTMENT.** (Irrigation) C.F.—30.

MADRAS
- 4 OCT 1917

CURRENT No.

Received 191 . *Registered* 191 .

Subject.

Suit (Madura)

Reporting that the Tenkarai Tank suit was dismissed with costs.

ENCLOSURES.
No.
Spare copies

Reference **No.** 4326-16-9

Station Madras, , *Dated the* 1st October 1917.

From

H.R.Pate Esq., I.C.S.,
Secretary,

The Board of Revenue, Land Revenue ~~Revenue Settlement, etc.~~ ~~Separate Revenue~~

~~Resolution~~
~~Reference~~

The Hon'ble Mr. M.Aziz-ud-din, Khan Bahadur, C.I.E., I.S.O.
Commissioner of Land Revenue.

Reference.

(Routine reply)

In continuation of its Reference No.4326-16-7 dated 4th August 1917, the Board begs to report that the Tenkarai Tank suit (O.S.No.94 of 15 on the file of the First Additional District Munsiff's Court, Madura) has been dismissed with costs. The

The local Government Pleader has applied for copies of the judgment and decree which will be submitted to Government in due course.

Gontake

SECRETARY.

To

The Secretary to Government, Public Works Department.
(Irrigation)

C.M/3-10.

MS
3.10

3.10.17

PUBLIC WORKS DEPARTMENT.

O.F.—80.

CURRENT No.

Received 18 APR 1918 2465/18-A 191 . Registered 191 .

Subject.

Tenkarai Tank Suit.

Submitting copies of the judgment and decree in O.S.No.94 of 1915 on the file of the Additional District Munsiff's Court, Madura, and recommending the payment of a fee of Rs.75/- to the Government Pleader.

ENCLOSURES.
No.
Spare copies

Reference No. 4326-16-10.

Station Madras, *Dated the* 15th April 1918.

From

H.R.Pate Esq.,I.C.S.,

Secretary, Land Revenue.

~~The~~ Board of Revenue, ~~Revenue Settlement, etc.~~

~~Separate Revenue~~

The Hon'ble Mr. A. Butterworth,C.S.I.,I.C.S.,

Commissioner of Land Revenue.

~~Resolution~~

~~Reference.~~

Read the following letter from G.F.Paddison Esq.,M.A., I.C.S., Collector of Madura, R.O.C.No.3691 Gl. of 1917, dated 27th March 1918.

Adverting to Board's reminder dated 4th March 1918 and in continuation of my R.O.C.No.3691 Gl. of 1917, dated 31st January 1918, I have the honour to forward herewith copies of judgment and decree in O.S.No.94 of 1915 on the file of the First Additional District Munsiff, Madura as desired therein. The certified copies of the judgment and

decree have been retained in my office for use in case an appeal is preferred by the plaintiff.

2. The fee for the pleader engaged in the case has now to be settled. The suit was originally dismissed for default and the late Government Pleader Rao Bahadur M.R.Ry. G.Srinivasa Rao Avl. who was then conducting the case was paid Rs.73-15-0, the whole sum then allowed by the Court for the Government. The case was then restored to file and the present Government Pleader M.R.Ry. C.Krishnan Nair Avl., practically conducted the case from the moment it was restored to file to the end of the trial. One witness was examined by the Government Pleader of Cuddapah on commission, for which a separate fee of Rs.10 was sanctioned by the Board in Board's Reference No.4326-16-8, dated 27th August 1916. The present Government Pleader wants a fee of Rs.100/- for his part of the work in the case. The work statement received from him shows that he attended the court in connection with the case for 16 days. The case was actually tried on the 6th and 7th September 1917 and argued on the 11th and on other occasions it stood posted for miscellaneous items of work. The court has treated the whole proceedings (including those culminating in dismissal for default) as one case, and has not allowed any fee apart from that allowed when the suit was originally dismissed for default. In consideration of the work turned out by the present Government Pleader, I recommend that a fee of Rs.75/- may be paid to him and request that the Board may be pleased to sanction the amount. The usual statement of costs and a copy of the work statement of the Pleader

are sent herewith.

REFERENCE.

Submitted to Government in continuation of Board's Reference No.4326/16-9, dated 1st October 1917.

2. The Board recommends that a fee of Rs.75/- may be sanctioned to the Government Pleader as recommended by the Collector.

Secretary.

To the Secretary to Government, Public Works Department, (Irrigation), with a judgment, decree and work statement.

17.4.18

S.16/4.

17.4

In the Court of the First Additional District Munsif of Madura.

Friday the 14th day of September 1917;

Present:- M.R.Ry.P.T.Jaganatha Chariar Avergal B.A.,B.L.,
1st Additional District Munsif.

Ordinary Suit No. 94 of 1915.

O.S.412 of 1914 on the file of the Principal Dt. Munsif's Court of Madura.

Between:- Aladi servai. ---------------Plaintiff.

A n d:- The Secretary of State for India in Council through the Collector of Madura------ Defendant.

This suit coming on for hearing on Wednesday, Thursday, Friday and Tuesday the 5th, 6th, 7th and 11th days of September 1917 in the presence of Mr. T.A.Aiyasami Iyer, Pleader for the plaintiff and of Mr. C.Krishnan Nair, Pleader for the defendant and the case having stood over for consideration till this day the court delivered the following:-

J U D G M E N T:- The plaintiff sues for the recovery of Rs. 1479-8-0 due as damages on account of breach of contract entered into with Government in respect of the sale of some Babul trees in or about the Thenkarai tank.

The material averments in the plaintare the following:-

The defendant's officials advertised in the Gazette that the on 25th May 1911 at Andipatti by the Periyar Overseer, under the conditions of the babul trees of Thenkarai tank would be sold in public auction; every bidder was required to deposit a sum of Rs. 5/- in advance, and the successful bidder to deposit 10 per cent of his bid as earnest money and that the balance of the priceshould be deposited within two weeks after the sale. On the date of auction i.e., 25th May 1911, the plaintiff deposited a sum of Rs. 5 and bid for the tree at Rs. 400/- on the same date he deposited Rs.40/- with the Periyar Overseer at Andipatti . Subsequently on 26th May 1911 and on 10th June 1911, the plaintiff paid sums of Rs. 100 and Rs. 300 respectively to defendant's officials. The Periyar Overseer issued a permit to the plaintiffon the 6th July, 1911 directing him to fell the trees before the 31st August 1911. The plaintiff spent large sums of money in clearing the thorns and securing labour for cutting the trees and was commencing to do the work. The defendant's forest officials however obstructed plaintiff's felling and took hold of the trees of the trees already cut and also the implements forcibly; and

the wood already cut was entrusted to the village munsif of Thenkarai. The defendants forest officials filed a Criminal complaint against plaintiff and his men in C.C.No.844 of 1911 dated 25th August 1911 on the file of the Second Class Magistrate's Court Dindigul. The case was transferred to the Nilakottai Sub Magistrate's file where it was dismissed without an enquiry. On 14-8-1911 the plaintiff petitioned to the Executive Engineer of Madura stating the obstruction caused to him in cutting the trees sold to him and asking for redress but he got no orders thereon. The plaintiff gave suit notice to the Collector on the 19th March 1912, to which also he got no reply. But subsequently the Sub Magistrate of Nilakottai sent for the plaintiff and took a list from him showing the expenses incurred by him in the Criminal case. Of the trees which remained uncut by the plaintiff about 100 cartloads were cut and carried away by Head Lascar Kuppa Perumal Thevan and D.P.W.contractor Andi Kavandan under the orders of the Overseer. Hence the plaintiff sues for the recovery of Rs. 550/- with interest thereon at 6 per cent from 19-3-12, being the value of the uncut trees now standing on the Thenkarai tank another sum of Rs.550 being the value of the trees cut and carried away by Kuppa Perumal and Andi Kavandan and a sum of Rs.150/- being the expenses incurred by the plaintiff in the Criminal case and a sum of Rs.40/- which was deposited with defendant's officials as earnest money with interest on all these items.

2. The defendant states that it is not true that all the karuvela trees in the Thenkarai tank were sold in public auction on 25th May 1911 as alleged in para 3 of the plaint; that the trees that were advertised for sale were fully described and clearly explained as thorny trees on Thenkarai tank from Pathamadai to the right flank. P.W.D.limits, at the time of the auction sale before the auction was commenced that with the full knowledge of the exact limits within which the trees were put in auction, the plaintiff took part in the sale and finally bought them at the conclusion as the highest bidder; that the plaintiff has not only cut and removed all the trees he was entitled to under the auction sale but, has also cut 11 trees in excess thereof; that the interference

para II of the plaint were ... in ...

sale ... the plaintiff has no right to claim them or

and the plaintiff is not entitled to any relief

5. The following are the issues:-

1. What were the trees sold to plaintiff by the

2. Whether Government was guilty of any breach of

3. To what relief is plaintiff entitled?

4. Issue 1 and 2 The main question in this case. is about the trees that were sold to the plaintiff.

ntiff contends that all the trees on the Tenkarai tank were

ed to ~~xxxxxx~~ be sold and were actually sold. Exhibits A

are the sale notices one in English and the other in Tamil.

of the notice exhibit A-1, shows that the trees on the

e Periyar main canal and its branch channels and on

d tank bunds as enumerated in the list would be sold in

ion on the dates noted therein. The Tenkarai tank bund

to the Overseer a maintained tank bund. In the adver-

elf, we find against the Tenkarai tank the words

ale'. In the case of channels and canals, the

trees is given in the list but not in the case of

bit A-1 which is the Tamil notice announces the sale of

tioned trees and below we find the name of Tenkarai tank

er tanks given. We do not find either the bund or

ent of the expression 'wholesale' in the tamil notice.

... in t plan Exhibit I and the right
in this connection that the plan Exhibit I is incorrect ...
the directions shown. North as shown in the plan ...
east and so on as spoken to by the Overseer. The plai...
witness say, that there was no such announcement or l...
the time when the auction sale was commenced but they ...
say that the overseer specifically announced that all th...
in the Tenkarai Tank would be sold. If the Overseer ...
per advertisement Exhibit A and A-1, there was absolutel...
for him to make any specific announcement before the co...
of the sale. The three witnesses who were examined by th...
besides himself are, to my mind, persons who were not pres...
auction sale at all. P.W.2 says that he went there for th...
pose of bidding but that he did not make even a single bid...
competition between plaintiff and his enemy Karuppanan Amba...
keen. If he went with the intention of bidding, it is rea...
to expect that he would take some money with him as he has...
initial deposit under the conditions of the sale before...
He is driven to admit that he took nomoney but that ...
getting a hand loan from somebody or other if he bid...
P.W.3 also says that he went with the idea of bidding ...
not actually bid at all. He says that he ~~xxxxxx~~ asked K...
Ambalam to bid for him. These two witnesses say that all ...
in the Tenkarai Kanmoe were sold by the overseer. The 4th
on the other hand says that the overseer announced that the

saw the place, all the trees had been. The plai
on the other hand would tend to showand not all
stand on the tank. The obstruction that was caus
officials was to plaintiff's cutting the trees bey
limits. Whether the Forest Department were right i
trees for their department, does not arise for cons
now. The only question is whether the obstruction co
breach of the contract that was entered into by the p
The plaintiff's cutting all the trees beyond the 30 fe
was clearly against the terms of the contract and he
therefore not complain of the obstruction. The evidence
Forest Deputy Ranger D.W.3 shows that his obstruction
to thetrees standing outside the 30 feet limits and the
served by him on the plaintiff and marked as Exhibit D-1
borates his evidence. I therefore find on the 2nd issue th
Government was not guilty of any breach of contract.

9. Issue III: The plaintiff has claimed 4 or 5 items
that he enjoyed absolutely no trees out of the trees purchas
by him but this suggested story is at direct varismce with th
allegation in para 5 of the petition to the Executivre Engin
marked as Exhibit E wherein he stated that the trees which re-
mained yet to be cut by him were worth Rs. 200/-

6. The trees cut and taken by Andi Kavundan and Kuppa Peru-
mal were outside the limits, that is ' between Padamadai and righ
flank' that were prescribed in the auction sale as spoken to by
P.W.D.overseer. The plaintiff has therefore no reason to complain
off the same. In the result I therefore find that the trees sold
to plaintiff by the Government were within the limits spec
by P.W.D. overseer monies as being due to him b
for the alleged breach of the cont
of contract, he is not

Plaintiff's witnesses.
Sale notice in print (English).

Do. (Tamil)

Receipt obtained by the plaintiff for the money Rs. 100/-which he deposited as earnest money of sale of trees in Thenkarai tank.

-11 Receipt obtained by plaintiff for Rs.340/- which he x deposited as the balance of sale amount towards the same

-11 Permit granted to plaintiff for cutting the trees til 31-8-11.

True copy of the

3-11 Written order of obstruction to fell the trees served on the plaintiff by the Deputy Ranger ~~himself~~. Vikramangalam as well by the Forest Ranger

/14-8-11 ~~Petition submitted by the plaintiff to the Executive Engineer Madura Division.~~ Written order of obstruction to fell the trees served on the Plaintiff by the Deputy Ranger himself

/ 14-8-11 Petition submitted by the plaintiff to the Executive Engineer Madura Division.

F/25-8-11 Certified copy of the Forest Offence report forwarded to the second class Magistrate of Dindigul by the Ranger of Palamedu.

G/18-3-12. Suit notice sent to the Collector.

H/ Duplicate notice served on the plaintiff by the Tahsildar of Nilakottai asking him to furnish details of his expense in the Criminal case.

J/16-4-14. Notice sent to plaintiff by Sub Divisional Officer D.P.W. in reply to suit notice.

J-1/5-5-14. Do. Do. asking him to receive Rs. 30/-

K/3-7-14. Office copy of the reply notice sent by plaintiff expressing his unwillingness.

Notification Extract forwarded to the Plaintiff informi[ng] ... that the sum of Rs. 40 will be lapsed

VII to VII-b Three successive issues in the Fort St. George Gazette regarding the lapse of money.

VIII/2-7-14. Copy of extract of notification forwarded to plaintiff.

Plaintiff's Witnesses.

1. Aladi servai. 2. Sivaramakrishna Iyer. 3. Mayandi servai. 4. Vellaichami servai.

Defendant's Witnesses.

1. S.Ramayya. 2. G.Sivaramakrishna Iyer. Overseer. 3. A.K.Ananthrama Iyer (Deputy Ranger) 4. L.Bhavani Sankar Rao. 5. R.Ramanathan. 6. Muthukumaru Pillai. & 7. Kuppa Perumal.

Sd/ P.T.Jagannatha Chariar, 1st Addl Dist Munsif

True Copy

Madura Collector's Office,

Dated the 27th March 18.

For Collector. [signature] 27/3/18

D.V. 29-3-18. [initials] 29/3

Friday, the fourteenth day of September 1917.

Present:- M.R.Ry. P.T.Jagannatha Chariar Avergal., B.A.,B.L.,

First Additional District Munsif.

Ordinary Suit No. 94 of 1915.
O.S. 412 of 1914 on the file of the Principal District Munsif's Court Madura.

Between:- Aladi Servai son of Sannasi Servai residing in Kovil Thenkarai village, Nilakottai......... ... Plaintiff.

A n d:- The Secretary of State for India in Council through the Collector of Madura........................ Defendant.

Suit is to recover Rs. 1479-8-0 from the defendant as detailed below:-

a. To allow the plaintiff to cut and take away trees standing in the Thenkarai tank or to direct the defendant to pay Rs. 550/- their value with interest.

b. To recover Rs. 550/- being the value of the trees cut and carried away by Kuppa Perumal Tevam and others with interest.

c. To recover Rs. 150 ~~40~~/- being the cost of the criminal case incurred ~~deposit money paid by~~ by the plaintiff with interest ~~plaintiff with interest~~.

(d). To recover Rs 40 being the deposit money paid by plaintiff with interest

D e c r e e:- This cause coming on for final hearing on Tuesday the 11th day of September 1917 before M.R.Ry. P.T.Jaganatha Chariar Avergal., B.A.,B.L., First Additional District Munsif in the presence of Mr. T.A.Aiyasami Ayer vakil for plaintiff and of Mr. C.Krishnana Nair vakil for defendant and having stood over for consideration till this day this court doth order and decree that the plaintiff's suit be and the same hereby is dismissed and that the plaintiff do pay defendant Rs. 39-14-0 for his costs and bear his own Rs. 300-11-8 . (The pleader's fees Viz., 73-15-10 due to defendant (Government) has already been paid .

Costs of suit.

Plaintiffs	Amount Rs.	as.	ps.
1.Stamp for ~~xxxxxxx~~ plaint	113	-4-	0
2.Do vakalatnama	0	- 8 -	0
3.Do exhibits.	1	- 8 -	0.
4.Petition	0	- 8 -	0.
5.Tranlation fee	0	- 0 -	0
6.Service of process	16	- 8 -	0
7.Subsistence for witnesses for attendance.	20	- 8 -	0.
8.Commissioner's fee	0	- 0 -	0
9.Pleader's fee on Rs.	73	-15 -	10.
10.Pleader's fee paid by plff to deft already..............	73	-15	-10
Total	300	- 11 -	8

1. Stamp for petition	1	0	0
2. Do vakalatnama	9	0	0
3. Do exhibits	16		
4. Tranlation fee	0	0	0
5. Srrvice of process	0	0	0
6 Subsistence for witnesses for attendance.	14	0	0
7 Commissioner's fee	24	14	0
8 Pleader's fee on Rs. 1479-8-0	0	0	0
	73	15	10
Total	113	13	10. ~~out of this~~

Rs. 30-14-0 is allowed as the sum of Rs. 73-15-10 (pleader's fee) was already paid to defendant.

Given under my hand and the seal of the court, this fourteenth day of September 1917.

Signed/ P.T.Jaganatha Chariar.

First Additional Dt. Munsif

True Copy

Madura Collector's Office,

Dated the 27th March 1918.

For Collector. 30/3/18

29/3

28/3/18

1. 15-9-16. I.A. 340/16. taken up and ~~difficulty~~ deficiency of amount deposited brought to the notice of the Court. Suit restored to file and posted to 23-11-16.

2. 23-11-16 Adjourned to 30-1-17 for want of time.

3. 30-1-17 Adjourned to 31-1-17 for want of time.

4. 31-1-17. Adjourned to 5-2-17 for appearance of the plaintiffs' pleader

5. 5-2-17. Plaintiffs pleader appeared. Question of limitation re damages for malicious prosecution argued. Adjourned to 29-3-17 for want of time

6. 29-3-17. Adjourned to 28.6.17 as it was not reached

7. 18-4-17 Petition for the examination of H. R Ry. S. Ramiah asst Overseer on Commission put in by me.

8. 20-4-17 Appeared and petn ordered.

9. 25-6-17. Petition put in for the extension of time for return of commission under instructions from Govt. Pleader, Cuddapah.

10. 26-6-17 Time extended for the Commission enquiry up to 16.7.17.

11. 28-6-17 Adjourned to 16.7.17 for the return of commission.

12. 16.7.17 Commission not returned adjourned to 5-9-17 No further will be granted The suit will proceed on that date.

Commission returned [illegible]
Chief ~~to~~ adjourned to 6-9-17

14.	6-9-17	P.W. 1. ~~exd~~ examined in all. PW. 2 to 4 DWs 2 and 3 ~~exd~~ examined. Exhibits II to V ~~ibid~~ filed. adjourned to 7-9-17 for further examination.
15.	7-9-17.	D.W.S. 4 to 7. exd examined. Exhibits VI to VIII ~~ibid~~ filed adjourned to 11-9-17 for arguments.
16.	11-9.17.	Case argued Judgment reserved.

~~I~~ Madura Collector's Office
Dated the 27th March 18.

[illegible] 29/3/18
I. Collector

~~[illegible]~~ 29.3.18.

[illegible]
29/3

NOTES.

NOTES.

(7852/16. A)

Tenkarai tank bund suit.
Madura Dt.

Pp 1-2 cf From Board (L.R) Refce. No. 4326/16-1 Dt 6.10.16.

D.I.

Submitted.

UNDER SECY TO GOVT. 13 OCT 6 REVENUE DEPT.

2. The suit had been dismissed for default on the part of the plaintiff on 15.7.16 — vide Govt. Pleader's letter No. 334/16 Dt 19.7.16 on p. 19 of G.O. 355-I. Dt 17.8.16. The file may lie over till January next pending the receipt of a report on the result of the suit.

fl 'a'

3. The file may be sent to Rev. for perusal and return.

9.10.16. 10.10.16

12/10/16

12/10/16

P.W. D. IRRIGATION. U. O. No. 7852/16 Dated 12.10.1916

Rev. Ugo.

REVENUE-B 1682

Regd. 13.10.16

Revenue Department

To Under Secretary.

The file may, it is submitted, be perused & returned to P.W.D.I

13/10.

Perused & returned with thanks.

18.10.16

17-10-16

PUBLIC WORKS DEPT. Madras 20 OCT 1916 No. 7852/16-A GOVERNMENT OF MADRAS

Rev. no. 1682 B/16-1 19.10.16.

Df final 18/10

P.W.D (I) No.

From Board (L.R.) Refce No 4326-16-9 d/ 1.10.17

D. 2

Subwitted. Copies of the judgment and the decree may be awaited say for 2 months.

6.10.17

From the Board of Rev (LR) Ref No 4326 16-10 d/ 15.4.18.

D 9

The Board forwards copies of the judgment and decree and recommends that a fee of Rs 75 may be sanctioned to the Govt. Pleader who conducted the suit. A draft order is submitted for approval and may be sent to Rev. for acceptance before issue

26.4.18

Rev: u.o.

P. W. D. IRRIGATION.
U. O. No. 7852/16-A/1
.... 1918

u.o. 743 B

Rcd 29-4-18

Revenue Department

To Under Secretary

UNDER SECY. TO GOVT. APR. 1918 REVENUE DEPT.

The draft order may, it is submitted, be accepted & the file returned to P.W.D.(I)

3/5/18

u.o. No 743B/18-1 4-5-18

2.5.18

3.5.18

PWD(I) u.o.

PWD (I)

PUBLIC WORKS DEPᵀ IRRIGATION
OOTACAMUND
4 MAY 1918
NR 7852/16
GOVERNMENT OF MADRAS

DS

The draft order may now issue.

[signature] 4.5.18

Done. [initials] 4/5/16

Sectt II—10 (a) Suit

Sanctioning the payment of a fee of Rs 75 to the Govt Pleader who conducted the suit (O.S. No 94 of 1915 on the file of the First Addl. Munsiff, Madura) re: Tenkarai tank bund

P. W. D (I) DEPARTMENT.

Suits
Tanks

X READ AGAIN G.O. No. 658 I, dated 12th December 1914.

a " " " " 355 I , " 17 August 1916.

READ ALSO:

C. No. ...., From the Board of Rev (L.R), No. 4326/16-1, dated 6 10 1916.

X " " ...., " " —do— , " 4326/16-9, " 1 10 1917.

" " ...., " " —do— , " 4326/16-10, " 15 4 1918.

ORDER. No. 158 I, dated 8. 5. 1918.

Mis

Recorded

2 The ~~Govt~~ payment of a fee of Rs 75 to the Govt. Pleader who conducted the suit (O.S. No 94 of 1915 on the file of the First Addl Dt Munsiff's Court, Madura) is sanctioned.

GD 26.4.18 PLH 26.4.18 [illegible] 29/4/18

DESPATCHED
Date 9.5.18
Enclos. —

To the Board of Rev (LR) ✓
" Supg. Engineer, VI circle ✓
" Acct. General, Madras ✓

Gl 1806
23-4-18.

1-17. C.F. 88.

Transferred to the Law Rev Dept
P. Krishnamachari
29-4-18
For Secretary.
Bd Sett.

Aso 24/4/18

Public Works Department.

Irrigation Branch.

Aso 24/4/18 3110

PUBLIC WORKS DEPT. (IRRIGATION) MADRAS 30 APR 1918 No. GOVERNMENT OF MADRAS

BOARD OF REVENUE 23 APR 1918 REVENUE SETTLEMENT

III REMINDER. 785-2/16

REPLY.

To

The Secretary to
The Board of Rev. (L & R)

To

THE

The undersigned ~~has the honour to invite~~ is directed to invite ~~invites~~ attention to the communication noted in the margin and to request that this reminder may be returned at once with information as to—

Board's Endt. No. 444, dated 25/2/18

(1) the stage at which the matter now is,

(2) the date by which a reply may be expected ~~and~~

~~(3) the circumstances which have caused the delay.~~

2. It is requested that the reply to this reminder may be sent not later than ~~25~~ 30/4/18

[signature]
19/4/18

Office P.W.D (I)

Station Chepauk

Dated 17/4/18

Signature.
~~The~~ Under Secretary to Govt.
Designation.

SPA 17-4-18 2nd

17.4.18

SUBJECT.

Tenkarai Tank suit

Stating that the Collector had not submitted ~~any report~~ the Board's report since 18/2/18

BOARD OF REVENUE 26 APR 1918 LAND REVENUE DEPT. MADRAS.

Endorsement No. 890 dated 29-4-18

The Board's reply has been submitted in its Reference No. 4326/16-10 dated 15th April 1918.

[signature]
Secretary.
Board of Revenue
L.R.

29.4.18

To

The Secretary to Government,
P.W.D (Irrigation)

When given for copying 4-5-18
When copied 3-7-18
When examined 5-7
When signed ______ } 1918.

READ AGAIN G.O. No. , DATED 191 .

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

Registering clerk

Please return this soon

S[illegible]
22/4/18

[illegible]
22/4

G.M. PR 1170

G.M. 88.
PUBLIC WORKS DEPT (IRRIGATION)
MADRAS
20 FEB 1918
NO.
GOVERNMENT OF MADRAS

Public Works Department.

Irrigation Branch.

II REMINDER. No. 7852/16

To

The Secretary to the Board of Revenue (L.R.)

The undersigned ~~has the honour to invite~~ is directed to invite ~~invites~~ attention to the communication noted in the margin and to request that this reminder may be returned at once with information as to—

Board's Endt. No. 2470, dated 17-12-17

(1) the stage at which the matter now is, and

(2) the date by which a reply may be expected ~~and~~

~~(3) the circumstances which have caused the delay.~~

2. It is requested that the reply to this reminder may be sent not later than 19. 2-18.

Office P.W.D.(I)

Station Chepauk

Dated 8-2-18.

Signature. [signature] 7/2/18

Designation. Under Secretary to Govt.

7-2-18. 7.2.18

SUBJECT.

Tenkarai Tank Suit, Madura Dt.

Stating that copies of the judgment & decree had not been received from the Collector.

REPLY.

Endt. No. 389 dated 18th February 1918

To

The Secretary to Government,

Public Works Department.

Irrigation Branch.

Resubmitted.

2. The Collector of Madura reported on 25th January 1918 that he had not till then received copies of the judgment and decree and that he was reminding the Government Pleader about them. They will be submitted to Government as soon as they are received.

[signature]

Secretary.

19.2.18

LO for 6 weeks [illegible] 21/2/18

DO

21.2.18

C.M/19-2-18.

t runs as follow...

rom Padamadai to right ...

that this list was prepare...

d on the reverse of the last pag...

gnature of the plaintiff but also the lowe...

lam. The plaintiff admits his signature in Exh...

hat the Overseer (D.W.2) obtained the signature on b...

I think this is clearly a lie. I asked the plaintiff's ple...

what motive the Overseer could have had at the time in obtain...

the plaintiff's signature on a blank paper and he is not able

to furnish or suggest any theory in respect of the matter. ...

viously it cannot be said that the Overseer anticipated

sequel and obtained plaintiff's signature on a blank pap...

order that he may choose and write the heading regarding th...

of the trees sold in any way he pleased. If that were so, he ...

as well have added to the heading in the list the limit of the

30 feet on either toe of the bund as now spoken to by him. The

plaintiff sent a petition to the Executive Engineer on the 14th

August 1911 Exhibit E and this was forwarded to the Overseer for

report. We find from Exhibit III the report sent by overseer that

he then gave the same explanation, as the one he now gives. He als

submitted the sale list Exhibit II to the Executive Engineer along

with his explanation. Much is made of the fact that in the permit

the forest departme[illegible]

[illegible] nal complaint against pl[illegible]

by reason of his cutting th[illegible]

[illegible] Exhibit F and V. The charge was [illegible]

[illegible] as it was found that the trees even beyond [illegible]

[illegible] ng to the P.W.D. It will thus be seen that there w[illegible]

[illegible] y for the D.P.W. overseer to prescribe the limits of t[illegible]

[illegible] nd as he has actually done. That was due to an erroneous impr[illegible]

[illegible] his. That however does not affect the case. What we have to

[illegible] ind out is what was actually sold and not what might have been sold.

[illegible] ghtly or wrongly, the P.W.D. Overseer prescribed the limits of the

[illegible] nd the bidder could not get more than the trees standing in those

[illegible] s. It is contended for the plaintiff that the defendant cannot

permitted to give oral evidence regarding the limits spoken to b[illegible]

the overseer and that evidence of the contract should be obtained

from the advertisement Exhibits A and A1 themselves. I do not think

that this argument is sound. Exhibits A and A1 are not the agreement

themselves. They are only an invitation to intending bidders to come [illegible]

make offers. The contract is complete when the hammer falls after the

successful bid is made. Thereforeit was open for the a Government ~~to~~

have made alterations in the limits as set out in Exhibits A and A-1

The evidence of D.W.1 who was examined on commission at Cuddapah goe[illegible]

to show that the witness showed the plaintiff the limits withi[illegible]

trees purchased by him stood. He also says [illegible]

MADRAS 20 DEC 1917 G.W. 88.

Public Works Department.

Irrigation Branch. No 9225.

1 REMINDER. No. 7852/16-A.

To

The Secretary to the Board of Rev. (L + R)

The undersigned ~~has the honour to invite~~ is directed to invite ~~invites~~ attention to the communication noted in the margin and to request that this reminder may be returned at once with information as to—

Board's No. 4226-16-9, dated 1.10.17 reference

(1) the stage at which the matter now is, and

(2) the date by which a reply may be expected ~~and~~.

~~(3) the circumstances which have caused the delay.~~

2. It is requested that the reply to this reminder may be sent not later than 21.12.17.

Office P.W.D. (I).

Station Chepauk

Signature. Under Secretary to

Designation. Govt. P.W.D.(I).

Dated -.12.17.

VS 10.12.17.

SUBJECT.

Tenkarai Tank Suit

Stating that the —— had been dismissed with costs and that the copies of the judgement and the decree would be submitted in due course.

M.P. 18/12

REPLY.

BOARD OF REVENUE 14 DEC LAND REVENUE DEPT.

To

The Secretary to Government

Public Works Department,

Irrigation Branch.

Endorsement No. 2470 dated 17th December 1917.

Resubmitted.

2. The Collector of Madura reports on 8th December 1917 that he had not, till then, received copies of the judgment and decree. They will be submitted to Government as soon as the Board obtains them.

Secretary.

18.12.17

6 weeks

L.o. for [illegible]

5.1.18

21.12.17

D.I.

VS 21-12-17

[illegible] 1506.

Public Works Department.

Irrigation Branch.

PUBLIC WORKS DEPT. IRRIGATION MADRAS 2[illegible] FEB 1918 REPLY No. ____ GOVERNMENT OF MADRAS

V **REMINDER.** *No. 7852/16-1*

To

The Secretary to the Board of Revenue (Land Revenue)

To

BOARD OF REVENUE 21 FEB 1918 LAND REV. MADRAS

The Secretary to Government,

Public Works Department

(Irrigation.)

The undersigned ~~has the honour to invite~~ is directed to invite ~~invites~~ attention to the communication noted in the margin and to request that this reminder may be returned at once with information as to—

[margin] Board's Endt. No. *2470*, dated *17-12-17*

(1) the stage at which the matter now is, *and*.

(2) the date by which a reply may be expected and

~~(3) the circumstances which have caused the delay.~~

2. It is requested that the reply to this reminder may be sent not later than *10-3-18*

[signature] 19/2/18

Office *P.W.D.(I)*

Station *Chepauk*.

Dated *19-2-18*

Signature.

Under Secretary to

Designation.

Govt. PWD(I)

[initials] 19.2.18

[initials] 19-2-18.

SUBJECT. *Tenkarai Suit Tank Suit. Stating that the Collector of Madura reported that he had not received copies of the judgment and ~~degree~~ decree in the ___ and that they would be submitted as soon as received.*

Endorsement No. 444 dated 25th February 1918.

Resubmitted.

2. The Collector of Madura has not submitted any report since the submission to Government of Board's Endorsement No.389 dated 18th February 1918.

[signature] 22/2

Secretary.

(I) 27.2.18

M.P. 26/2

[initials] 27.2

Lo till 6-4-18 as previously ordered

P.W.D. (I)

D.S.

Submitted that the file may lie over till January next as ordered on the previous page.

GR 26/10

[illegible] 20.10.16. [illegible] 20.10.16 [illegible] 21/10/16

D.S.

A draft G.M. to the Board of Revenue enquiring what the present stage of the suit is is submitted for approval.

[illegible] 9.1.17 [illegible] 9/1/17 [illegible] 9/1/17

G.M. issued as No. 7852 (16 A-2 D) 10.1.17

L. 3 cf

From the Board of Rev. (X.R.) Ref. No. 4326-16-3 D/ 26.1.17

L. 4 cf

D.S.

Submitted.

2. The results of the suit may be awaited for a month.

[illegible] 31.1.17 [illegible] 1.2.17 [illegible] 1/2/17

GR 2.2.17 [illegible] 3.3.17 memo issued GR 3.8.17

L. 13 cf

From the Board of Rev. (SL. R) Ref. No. 4326-16-7 D/ 4.8.17.

D.S.

Submitted.

2. The result of the suit may be awaited till 1.10.17.

M.S. 10.8.17. [illegible] 10/8/17

GR 17.8.17

Scott. II-8 (c)—32,005—27-1-16.

No. 7852/16A-2 dated 10-1-17

G. M.

~~With reference~~ Adverting to its Ref. No. 4326-16-1 dated 6.10.16 the Board of Rev. (L.R.) is requested to report the present stage of the proceedings in the Suit relating to the Tenkarai tank on the file of the Additional Munsif's Court of Madura.

[initials] 9/1/17.

D. D.

[initials] 9.1.17.

Remind after 6 weeks

[initials] 10.1.17

Pp 1-2 of

To

The Secretary to the Board of Rev. (L.R.)

DESPATCHED
Date 10-1-17
Enclos. ✓

Typed by [initials] 9-1-17
Ed [initials]
Rd [initials] 9/1

4

PUBLIC WORKS DEPARTMENT. (Irrigation) O.F.—3

7852/16

CURRENT No.

PUBLIC WORKS DEPT., IRRIGATION, Madras, GOVERNMENT OF MADRAS

Received 29 JAN 1917 No. 643/17-A 191 . Registered .... 191 .

Subject.

Tenkarai Tank suit.

Reporting that the ---------- stands adjourned to 30th January 1917 for trial.

ENCLOSURES.
No. ....
....
Spare copies ....

Reference No. 4326.16.3

Station Madras. , *Dated the* 26th January 1917

From

H.R. Pate Esq., B.A., I.C.S.,

Secretary, Land Revenue.

~~The~~ Board of Revenue, ~~Revenue Settlement, etc.~~

~~Separate Revenue.~~

The Hon. Sir Robert Clegg, K.C.I.E., I.C.S., Commissioner of Land Revenue.

~~Resolution~~

Reference.

In reply to Government Memorandum No.7852/16-A-2, dated 10th January 1917, the Board begs to state that O.S. No. 94/15 (relating to the Tenkarai tank) on the file of the Additional District Munsiff's court, Madura, stands adjourned to 30th January 1917 for trial.

(True extract) [signature]

for Secretary.

26-1-17

To

The Secretary to Government, Public Works department (Irrigation).

N.D.

to be sent pending & why?
M.
8.3.17

G.F. 88.

Rl 1855
1a.

Public Works Department.

Irrigation Branch.

I REMINDER. No. 7852/16

To
The Secretary to the Board of Revenue (L.R.)

The undersigned ~~has the honour to invite~~ is directed to invite ~~invites~~ attention to the communication noted in the margin and to request that this reminder may be returned at once with information as to—

Board's Ref. No. 4326-16.3, dated 26.1.17

(1) the stage at which the matter now is, and
(2) the date by which a reply may be expected ~~and~~
~~(3) the circumstances which have caused the delay.~~

2. It is requested that the reply to this reminder may be sent not later than 15.3.17.

P. K. Subba ...
3.3.17

Office P.W.D.(I)
Station Chepauk.
Dated 3.3.17.

Signature.
Under Secretary
Designation.
to Govt

2.3.17

SUBJECT.
Tenkarai tank suit

Reporting that the suit stood adjourned to 31.1.17 for trial.

REPLY.

BOARD OF REVENUE
5 - MAR 1917
REV. SETTLEMENT

To
The Under Secretary to Government
Public Works Department (I)

Endt. No. 453 dated 7th March 1917

Resubmitted.

2. The Collector has been requested to state at what stage the suit now is, and his report will be submitted to Government as soon as it is received.

Secretary,
Board, Land Revenue

8.3.17

P.W. DEPT. MADRAS
MAR 1917
GOVERNMENT OF MADRAS

N.D.7-3-17.

L.O. for one month

6

C.F.—80.

PUBLIC WORKS **DEPARTMENT.**

7852/16

CURRENT No.

Received [stamp: PUBLIC WORKS SECRETARIAT 26 MAR 1917 OOTACAMUND] 191 . Registered [stamp: PUBLIC WORKS SECRETARIAT Madras. 29 MAR 1917 No. 2197/17-A GOVERNMENT OF MADRAS] 191 .

Subject.

Suit (Tenkarai Tank)

Submitting report from the Collector of Madura about the Tenkarai Tank suit.

ENCLOSURES.
No.
Spare copies

Reference No. 4326-16-4

Station Madras, *Dated the* 22nd March 1917.

From

H.R. Pate Esq., I.C.S.,
Secretary,
Land Revenue.
~~The~~ Board of Revenue, ~~Revenue Settlement etc.~~
~~Separate Revenue.~~

The Hon'ble Sir Robert Clegg, K.C.I.E., I.C.S.,
Commissioner of Land Revenue.

~~Resolution~~
~~Reference~~

L.O. 1 month
27.3.17
27.3.17
28/3/17
D.I 23/5/17

Read the following paper :-

From G.F. Paddison Esq., M.A., I.C.S., Collector of Madura R.O.C. No.505 Gl. of 17, dated the 15th March 1917.

In reply to Board's Reference 1855 Pl/17-1 dated 7th March 1917, I have the honour to state that

the

the plaintiff's pleader in O.S. 94 of 15 on the file of the additional District Munsiff's Court, Madura, relating to the Tenkarai tank suggested certain terms for compromising the suit; but they were not acceptable. The Government Pleader, Madura, has not yet reported the result of the suit which was posted to the 10th instant. A further report on the result of the suit will be sent on receipt of information from the Government Pleader.

Reference

Submitted to Government in continuation of Board's Reference No. 4326/16-3, dated 26th January 1917.

p4c

SECRETARY.

To

The Secretary to Government,
Public Works Department.

C.M.C./22-3.

23.3.17

23/3

PUBLIC WORKS **DEPARTMENT.** 8 O.F.—30.

CURRENT No.

Received .... 191 . *Registered* .... 191 .

SECRETARY TO GOVERNMENT 12 APR 1917 PUBLIC WORKS DEPARTMENT.

7852/16

Subject.

Tenkarai Tank suit.

PUBLIC WORKS DEPT., IRRIGATION Madras. 12 APR 1917 No. 2542/17-A GOVERNMENT OF MADRAS

Submitting report from the Collector of Madura that the ------ -- was adjourned to 29th March 1917 and that the result will be reported in due course.

ENCLOSURES.
No.
Spare copies

Reference No. 4326-16-5

Station Madras, , *Dated the* 4th April 1917.

From

H.R. Pate Esq., I.C.S.,
Secretary,

Land Revenue.

The Board of Revenue, ~~Revenue Settlement, etc~~

~~Separate Revenue~~.

The Hon'ble Sir Robert Clegg, K.C.I.E., I.C.S.,
Commissioner of Land Revenue.

~~Resolution~~

~~Reference~~

Read the following paper :-

From G.F. Paddison Esq., M.A., I.C.S., Collector of Madura, R.O.C. No.505 Gl. of 17, dated the 29th March 1917:-

In continuation of my letter R.O.C. 505 Gl. of 17 dated 15th March 1917, I have the honour to state that O.S.94 of 15 on the file of the Additional District Munsif's

Court

PWD(I)

Court, Madura has been adjourned to 29th March 1917 and that the result of the suit will be reported in due course.

Reference

Submitted to Government in continuation of Board's Reference No.4326/16-4, dated 22nd March 1917.

Conolake

SECRETARY.

TO

The Secretary to Government, Public Works Department, (Irrigation)

C.M.C./4-4.

MS 11.4

11.4.17

L.O. 1 month

14.4.17

14.4.17

17/4/17

Packet 14/4

7852/16

P.W. DEPT. IRRIGATION Madras 23 APR 1917 2707/17-A GOVT OF MADRAS

PUBLIC WORKS DEPARTMENT. 16

O.F.—30.

CURRENT No.

Received 191 . Registered 191 .

Subject.

Tenkarai Tank suit.

Reporting that the ------- (O.S. 94 of 1915 on the file of the Additional District Munsiff's Court, Madura) stands adjourned to 28th June 1917.

ENCLOSURES.
No.
Spare copies

Reference No. 4326/16-6

Station Madras, *Dated the* 18th April 1917 ~~191~~.

From

H.R. Pate Esq., I.C.S.,
Secretary, Land Revenue.
~~The~~ Board of Revenue, ~~Revenue Settlement, etc.~~
~~Separate Revenue.~~

The Hon'ble Sir Robert Clegg, K.C.I.E., I.C.S.,
Commissioner of Land Revenue.

~~Resolution~~
Reference.

In continuation of its Reference No. 4326/16-5, dated 4th April 1917, the Board begs to report that the Tenkarai Tank suit (O.S. No.94/15 on the file of the Additional District Munsiff's Court, Madura) stands adjourned to the 28th June 1917.

[signature]
Secretary.

To the Secretary to Government, Public Works Department (Irrigation)

N.N./20-4-17.

L.o. file ~~15~~ 20 7-17

MS 20/4 — 20.4.17 — Reminder issued 23/7 — 1.5.17 — 23/4/17 — 23.4.17 — 25.7.17

L. O. for one man

12

D.E.S

ℓ 5721.

G.F. 88.

PUBLIC WORKS DEPT., IRRIGATION. Ootacamund. 3 - AUG 1917 No. GOVERNMENT OF MADRAS.

10.8.17

V.S. 6.8.17.

Public Works Department.

Irrigation Branch.

BOARD OF REVENUE. LAND REVENUE DEPT. MADRAS.

I REMINDER. 7852/16

REPLY.

To

The Secretary to the Board of Revenue ~~(R.S.)~~ (L.R.)

The undersigned ~~has the honour to invite~~ is directed to invite ~~invites~~

attention to the communication noted in the margin and to request that

Board's Reference No. 4326/16-6 dated 18th April 1917.

this reminder may be returned at once with information as to—

(1) the stage at which the matter now is, and

(2) the date by which a further report ~~reply~~ may be expected ~~and~~

~~(3) the circumstances which have caused the delay.~~

2. It is requested that the reply to this reminder may be sent not later than 4.8.17

Office P.W.D.(I)

Station Chepauk

Dated 7.17.

Signature.

For Secretary to the Government

Designation.

V.C. 20.7.17. 20.7.17

SUBJECT.

Tenkarai Tank Suit

Reporting that the — stood adjourned to 28-6-17.

To

The Secretary to Government

Public Works Department

(Irrigation)

Endorsement No.1418 dated 30th July 1917.

Resubmitted.

2. The Collector of Madura reported on the 14th instant that the suit had been adjourned to the 16th instant for the return of the commission sent for the examination of one of the witnesses for Government who is at Rayachoti. He also promised to intimate the result of the suit in due course. The Board will submit its report on hearing further from the Collector.

31.7.

Secretary

M.P. 31/7

31.7.17

PUBLIC WORKS DEPT. IRRIGATION
Madras.
7 AUG 1917
No. 5334/17-A
GOVERNMENT OF MADRAS

13

PUBLIC WORKS (IRRIGATION) DEPARTMENT. C.F.—80.

CURRENT No.

Received ....191 . Registered ....191 .

Subject.

Tenkarai Tank Suit.

Reporting that the ------------ stands adjourned to 5th September 1917 for trial.

ENCLOSURES.
No.
Spare copies

Reference **No.** 4326-16-7

Station M a d r a s , *Dated the* 4th August 1917.

From H.R. Pate, Esq., I.C.S.,
Secretary,

The Board of Revenue, Land Revenue. ~~Revenue Settlement, etc.~~ ~~Separate Revenue.~~

The Hon'ble Sir Robert Clegg, K.C.I.E., I.C.S.,
Commissioner of Land Revenue.

~~Resolution~~
Reference.

p. 109

In continuation of its reference No.4326/16-6 dated 18th April 1917, the Board begs to report that the Tenkarai Tank Suit (Original Suit No.94/15 on the file of the Additional District Munsiff's Court, Madura), stands adjourned to 5th September 1917 for trial.

Ne

[signature]
S e c r e t a r y.

To the Secretary to Government, Public Works Department (Irrigation)

MS M.A.S.6/8

Scott. II-47—697 Bks.-

A. / B. / N.P. (a) † G.O. No. , dated 191 .

DEPARTMENT.

ORDINARY / ROUTINE SERIES.

CIRCU[LATED] / NOT CIRCU[LATED] / NOT SEEN BY

Receipt numbers ..	3032/18
Number and date of previous proceedings.	06589 dt 12-02-1916 GON 3559 dt 17-8-1916 GON 1589 dt 8-5-1918

Tabling Abstract.

Tinkarai Saint Sarat

Recording Boards Proceedings submitting copy of the appeal on sanction in AS No 126 on the file of the 2nd Judge Madura regarding —

(b) **Index Headings.**

[MA]IN HEADING Suits Tanks

[CR]OSS REFERENCES.

SPECIAL INDEX.

DO NOT SPECIAL INDEX.

(a) and (b) not to be filled in for 'Routine' Series.